

MASSACHUSETTS  
40 main st, suite 301  
florence, ma 01062  
tel 413.585.1533  
fax 413.585.8904

WASHINGTON  
1025 connecticut ave. nw, suite 1110  
washington, dc 20036  
tel 202.265.1490  
fax 202.265.1489



January 28, 2013

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

***Via Electronic Filing***

**Re: MB Docket No. 09-182, 2010 Quadrennial Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; MB Docket No. 07-294, Promoting Diversification of Ownership in the Broadcasting Services**

Dear Ms. Dortch:

On January 24, 2013, Craig Aaron, Matt Wood and Lauren Wilson of Free Press met with Commissioner Rosenworcel and Alex Hoehn-Saric, her Policy Director, regarding matters in the above-captioned dockets.

We began by stressing that in order to satisfy the Third Circuit Court of Appeals’ mandate in *Prometheus II* and the Commission’s own stated policy goals, the Commission must evaluate how proposed rule changes impact ownership by women and people of color. Furthermore, the Commission must make this inquiry *before* releasing a final order. Relaxing cross-ownership rules while contemporaneously promising to conduct future studies and then promulgate measures to promote diverse broadcast ownership is not enough. Doing so would surely run afoul of the Court’s directive and would be futile in the face of minority owners’ inevitable exits from the marketplace should the Commission allow for increased consolidation. It is imperative that the Commission, first, do no harm. Given the already appallingly low levels of female and minority ownership, should the Commission move forward with an order that allows for increased consolidation, the harm will likely be irreversible.

We also briefly discussed shared services agreements (“SSAs”). Increasingly, broadcast licensees unable to merge under the FCC’s rules are using SSAs and other means to consolidate their core operations, and thereby circumvent local media ownership protections. Typically, these arrangements result in lay-offs of station staff and diminished competition for audiences, advertisers and retransmission consent. Also notably, these arrangements do not lead to increased news production at the market level. On the contrary, they frequently result in the joint production and airing of identical local news content across purportedly “competing” broadcast outlets. Accordingly, we urged the Commission to refrain from moving forward in the above-referenced proceeding without addressing the growing prevalence of these practices and the resulting harm to competition and consumers.

We file this *ex parte* notice today, pursuant to Section 1.1206(b) of the Commission's rules. If you have any questions regarding this submission, please do not hesitate to contact me.

Respectfully submitted,

/s/ Lauren M. Wilson\_\_\_\_\_

Lauren M. Wilson  
Policy Counsel  
Free Press  
lwilson@freepress.net

cc: Alex Hoehn-Saric